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GENERAL CIRCULAR NUMBER 2013-009 UPDATE

DATE: April 10, 2013

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: UPDATE to General Circular 2013-009 – Public Hearing to consider adoption of proposed amendments to Civil Service Rule 1.5.2, 1.5.3, 1.33, 3.1(e), 3.1(o), 4.1(c), 6.29; to repeal Civil Service Rule 1.15.1.01, 1.15.2.1.01, 1.18.1.01, 1.20.0001 and 16.18; **and to adopt Civil Service Rule 2.9(h)**

The State Civil Service Commission will hold a public meeting at 9:00 a.m. on Wednesday, May 8, 2013 to consider amendments to Civil Service Rule 1.5.2, 1.5.3, 1.33, 3.1(e), 3.1(o), 4.1(c), 6.29; to repeal Civil Service Rule 1.15.1.01, 1.15.2.1.01, 1.18.1.01, 1.20.0001 and 16.18; **and to adopt Civil Service Rule 2.9(h).**

The hearing will be held in the Louisiana Purchase Room of the Claiborne Building, 1201 North Third Street, Baton Rouge, Louisiana. Individuals who wish to comment on this proposal may do so at the public hearing, by writing to the Director of the Department of State Civil Service at Post Office Box 94111, Baton Rouge, Louisiana, 70804-9111, or by emailing the Civil Service Commission at civilservicecommission@la.gov. If any accommodations are needed, please notify the Department at (225) 342-8272 prior to the meeting.

Chapter One Changes

Chapter one rules are being proposed to clean up the definitions of the Civil Service Rules. Amendments to the definitions Career field, Change in Position and Reassignment are being proposed to bring these definitions into the actual practices of the Department. For example, the proposed rule to “Career field” is to remove the reference to transmittal sheet. The Department no longer uses transmittal sheets.

The definitions of Equivalent job, Higher job, Job Family and Lower job are being proposed for abolishment. These rules were adopted when the Commission adopted a revamp of Chapter 6 in its entirety. When the Commission rescinded the changes to Chapter 6, these rules remained. These definitions have created confusion because these definitions are not found in the body of Chapter 6.

Current Rule	Proposed Rule
1.5.2 Career field	
Means any one of a job series or group of positions considered to have a close occupational relationship and categorized as such by the Department of State Civil Service. A career field shall include a job series, or series of jobs that were created to provide a natural progression. The career field(s) used by an agency in a layoff shall be the career field(s) in the official career field listing as updated though the latest Transmittal Sheet dated before the layoff plan is received by the Department of State Civil Service.	Means any one of a job series or group of positions considered to have a close occupational relationship and categorized as such by the Department of State Civil Service. A career field shall include a job series, or series of jobs that were created to provide a natural progression. The career field(s) used by an agency in a layoff shall be the career field(s) in the official career field listing as updated though the latest Transmittal Sheet dated before the layoff plan is received by the Department of State Civil Service.
1.5.3 Change in Position	
For the purpose of the performance appraisal rating system, means either a voluntary demotion or the assignment of an employee to another position in the same or a different job with significantly different duties from those of the position he previously held, or the movement of an employee to another position in another agency.	For the purpose of the performance appraisal rating evaluation system, means either a voluntary demotion or the assignment of an employee to another position in the same or a different job with significantly different duties from those of the position he previously held, or the movement of an employee to another position in another agency.
1.15.1.01 Equivalent job	
Means one with the same pay range maximum or a maximum with a percent difference in pay of less than 7% than the comparison job.	Repealed, effective July 1, 2013
1.15.2.1.01 Higher job	
Means one with a pay range maximum with a percent difference of at least 7% higher than the comparison job.	Repealed, effective July 1, 2013
1.18.1.01 Job Family	
Means a series of jobs having the same nature of work (e.g., engineering) but requiring different levels of skill, effort, responsibility or working conditions (e.g., entry level v. senior level)	Repealed, effective July 1, 2013
1.20.0001 Lower job	
Means one with a pay range maximum with a percent difference of at least 7% lower than the	Repealed, effective July 1, 2013

Current Rule	Proposed Rule
comparison job.	
1.33 Reassignment	
Means a change within the same department from a position in one job title to a different position in an equivalent job.	Means the change within the same department of a probationary or permanent employee from a position in one job title to a different another position in an equivalent job. a <u>different job, both jobs of which have the same maximum rate of pay.</u>

Chapter Two Changes

Chapter two defines the powers and duties of the Commission. Rule 2.9(h) is being proposed to bring the Civil Service Rules into compliance of the Louisiana Supreme Court decision of *CIVIL SERVICE COMMISSION OF the CITY OF NEW ORLEANS v. The CITY OF NEW ORLEANS*, 854 So.2d 322, 2002-1812 (La. 9/9/03).

Chapter 2	
Current Rule	Proposed Rule
Rule 2.9(h)	
Repealed, effective June 30, 1972	<p>Rule 2.9 Powers of the Commission The Commission is empowered:</p> <p>(a) ...</p> <p>(h) <u>To review and approve or disapprove proposed state contracts for personal services, prior to their effective date, between the State and any instrumentality thereof, or between the state and any person or entity in order to determine whether such contracts will result in the involuntary displacement of classified employees, and if so, to ensure that the appointing authority has demonstrated that such contract is being let for reasons of efficiency and economy and not as a pretext for the discriminatory dismissal of classified employees.</u></p>

Chapter Three Changes

The proposed amendment to rule 3.1(e) is to changes the name of the Louisiana State Personnel Manual to the Human Resources Handbook.

The proposed amendment to rule 3.1(o) is being proposed to bring the Civil Service Rules into compliance of the Louisiana Supreme Court decision of *CIVIL SERVICE COMMISSION OF the CITY OF NEW ORLEANS v. The CITY OF NEW ORLEANS*. 854 So.2d 322, 2002-1812 (La. 9/9/03).

Chapter 3	
Current Rule	Proposed Rule
Rule 3.1(e)	
To formulate and prescribe procedures, consistent with Civil Service Rules, and to publish them in the Louisiana State Personnel Manual; to conduct Civil Service examinations; to maintain list of eligible; and to certify qualified person for appointment to the departments.	To formulate and prescribe procedures, consistent with Civil Service Rules, and to publish them in the Louisiana State Personnel Manual <u>Human Resources Handbook</u> ; to conduct Civil Service examinations; to maintain list of eligible; and to certify qualified person for appointment to the departments.
Rule 3.1(o)	
To review and approve or disapprove, in advance of their effective dates, contracts for personal services between the State and any instrumentality thereof, and any person in order to insure that such agreements do not provide for the performance of such services for the State of Louisiana which could or should be performed by Classified employees.	<u>To review and approve or disapprove proposed state contracts for personal services, prior to their effective date, between the State and any instrumentality thereof, or between the state and any person in order to insure such contract is being let for reasons of efficiency and economy and not as a pretext for discriminatory practices against classified employees.</u>

Chapter Four Changes

The proposed change to rule 4.1(c) is to add all employees of the Governor's Office of Homeland Security and Emergency Preparedness in the unclassified service as established by constitutional amendment effective November 2, 2010.

Chapter 4	
Current Rule	Proposed Rule
Rule 4.1 (c)	
Subject to the provision of Sub-Section (d) of this Rule, the following officers and employees of the State of Louisiana shall be in the Unclassified service: 1. ... 12 ...	Subject to the provision of Sub-Section (d) of this Rule, the following officers and employees of the State of Louisiana shall be in the Unclassified service: *** <u>13. All employees of the Governor's Office of Homeland Security and Emergency Preparedness</u>

Chapter Six Changes

The proposed change to rule 6.29 is to remove the requirement of a hearing before the Commission or its designee if it is determined that an employee's pay is subject to reduction due to the employee benefitting from an increase in pay as a result of either a rule violation or an abuse of discretion by an appointing authority.

Chapter 6	
Current Rule	Proposed Rule
Rule 6.29	
<p>(a) The discretion granted by this Chapter to an appointing authority is subject to revocation by the Director when he determines that such discretion has been abused.</p> <p>(b) An employee's pay is subject to reduction when, after hearing before the Commission or its designee, it is determined that the employee has benefited from increased pay as a result of either a violation of these Rules, or an abuse of the discretion granted in these Rules.</p>	<p>(a) The discretion granted by this Chapter to an appointing authority is subject to revocation by the Director when he determines that such discretion has been abused.</p> <p>(b) An employee's pay is subject to reduction when, after hearing before the Commission or its designee, it is determined that the employee has benefited from increased pay as a result of either a violation of these Rules, or an abuse of the discretion granted in these Rules.</p>

Chapter Sixteen Changes

The department proposes to abolish rule 16.18 because it was originally adopted when Chapter 16 was adopted and it is no longer necessary.

Chapter 16	
Current Rule	Proposed Rule
Rule 16.18	
When this Chapter becomes effective, any investigation which has already been docketed but has not yet been decided shall be processed in accordance with Rule 16.5	Repealed, effective July 1, 2013

Sincerely,

s/Shannon S. Templet
Director